

A bill for an act

relating to transportation; driver's licensing; specifying the waiting period for issuance of a limited license following a nondriving violation of the no alcohol requirement of a conditional driver's license; amending Minnesota Statutes 2008, sections 171.09, subdivision 1; 171.30, subdivision 2a.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 171.09, subdivision 1, is amended to read:

Subdivision 1. **Authority; violations.** (a) The commissioner, when good cause appears, may impose restrictions suitable to the licensee's driving ability or other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) Pursuant to Code of Federal Regulations, title 49, section 383.95, if an applicant for a commercial driver's license either does not successfully complete the air brake component of the knowledge test, or does not successfully complete the skills test in a vehicle equipped with air brakes as such tests are prescribed in Code of Federal Regulations, title 49, part 384, the department shall indicate on the class C, class B, or class A commercial driver's license, if issued, that the individual is restricted from operating a commercial motor vehicle equipped with air brakes.

(c) Upon receiving satisfactory evidence of any violation of the restrictions on the license, the commissioner may suspend or revoke the license. Following a violation of the no alcohol requirement of a restricted driver's license, the commissioner must revoke the violator's license for a period of 45 days if the violation does not involve driving, operating, or being in control of a motor vehicle, or 90 days if the violation involves driving, operating, or being in control of a motor vehicle not constituting a violation of

section 169A.20 or 609.21. A license suspension under this section is subject to section 171.18, subdivisions 2 and 3.

(d) A person who drives, operates, or is in physical control of a motor vehicle while in violation of the restrictions imposed in a restricted driver's license issued to that person under this section is guilty of a crime as follows:

(1) if the restriction relates to the possession or consumption of alcohol or controlled substances, the person is guilty of a gross misdemeanor; or

(2) if the restriction relates to another matter, the person is guilty of a misdemeanor.

**EFFECTIVE DATE.** This section is effective August 1, 2009, for license actions occurring on or after that date.

Sec. 2. Minnesota Statutes 2008, section 171.30, subdivision 2a, is amended to read:

Subd. 2a. **Other waiting periods.** Notwithstanding subdivision 2, a limited license shall not be issued for a period of:

(1) 15 days, to a person whose license or privilege has been revoked or suspended for a violation of section 169A.20, sections 169A.50 to 169A.53, or a statute or ordinance from another state in conformity with either of those sections, or, notwithstanding section 171.04, subdivision 1, for a violation of section 171.09 involving the no alcohol requirement of a restricted driver's license if the violation does not involve driving, operating, or being in control of a motor vehicle;

(2) notwithstanding section 171.04, subdivision 1, 30 days to a person whose license or privilege has been revoked or suspended for a violation of section 171.09 involving the no alcohol requirement of a restricted driver's license, if the violation involves driving, operating, or being in control of a motor vehicle not constituting a violation of section 169A.20 or 609.21;

(3) 90 days, to a person who submitted to testing under sections 169A.50 to 169A.53 if the person's license or privilege has been revoked or suspended for a second violation within ten years or a third or subsequent violation of section 169A.20, sections 169A.50 to 169A.53, or a statute or ordinance from another state in conformity with either of those sections, or for;

~~(3)~~ (4) 180 days, to a person who refused testing under sections 169A.50 to 169A.53 if the person's license or privilege has been revoked or suspended for a second violation within ten years or a third or subsequent violation of sections 169A.20, 169A.50 to 169A.53, or a statute or ordinance from another state in conformity with either of those sections; or

3.1           ~~(4)~~ (5) one year, to a person whose license or privilege has been revoked or  
3.2           suspended for committing manslaughter resulting from the operation of a motor vehicle,  
3.3           committing criminal vehicular homicide or injury under section 609.21, or violating a  
3.4           statute or ordinance from another state in conformity with either of those offenses.

3.5           **EFFECTIVE DATE.** This section is effective August 1, 2009, for license actions  
3.6           occurring on or after that date.

3.7           Sec. 3. **ADMINISTRATIVE RULES.**

3.8           Any administrative rules in conflict with this act are hereby null and void.

3.9           **EFFECTIVE DATE.** This section is effective August 1, 2009.